

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Brian P. Brockway, et al.                      Art Unit : 3766  
Serial No. : 10/756,188                                      Examiner : Kennedy Schaetzle  
Filed : January 12, 2004                                      Conf. No. : 2296  
Title : THERAPEUTIC DEVICE AND METHOD USING FEEDBACK FROM  
IMPLANTABLE SENSOR DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**LETTER REGARDING PATENT TERM ADJUSTMENT**

The Patent Term Adjustment (PTA) calculation included in the Notice of Allowance mailed January 2, 2009 for the above-referenced application indicates the PTA is 266 days. This PTA appears to be longer than appropriate.

In particular, Applicants direct the Office's attention to the presence of a Notice of Incomplete Reply mailed subsequent to the Response to Notice to File Missing Parts filed in June 2004.

Applicants believe that no fee is due at this time. Any fees that may be due, however, may be applied to Deposit Account No. 06-1050.

Respectfully submitted,

Date: March 26, 2009\_\_\_\_\_

/Kurt F. Krenz/\_\_\_\_\_  
Kurt F. Krenz  
Reg. No. 62,664

Fish & Richardson P.C.  
3200 RBC Plaza  
60 South Sixth Street  
Minneapolis, Minnesota 55402  
Telephone: (612) 335-5070  
Facsimile: (877) 769-7945

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**CERTIFICATE OF MAILING BY EFS-WEB FILING**

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: March 26, 2009